

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

JOHN HANCOCK LIFE INSURANCE COMPANY OF NEW YORK, Plaintiff, v. SOLOMON BAUM IRREVOCABLE FAMILY LIFE INSURANCE TRUST, ABRAHAM HOSCHANDER, CHESKI BAUM, in his personal capacity, as Trustee of the Solomon Baum Irrevocable Life Insurance Trust and as executor of the Estate of Solomon Baum and WELLS FARGO BANK, N.A., Defendants.	Civil Action No. 1:16-CV-07071(NG) (JO)
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**DECLARATION OF THEODORE J. SAWICKI IN SUPPORT OF DEFENDANT
WELLS FARGO BANK, N.A.'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746, Theodore J. Sawicki, an attorney admitted *pro hac vice* to practice before this Court, makes the following Declaration in support of Defendant Wells Fargo Bank, N.A.'s Motion for Summary Judgment and for all other purposes allowed by law:

1. I am a Partner in the law firm of Alston & Bird LLP, attorneys for Defendant Wells Fargo Bank, N.A. ("Wells Fargo"). I make this Declaration based on my personal knowledge of these proceedings and upon information and belief, the sources of which include my review of the exhibits annexed hereto.

2. Annexed hereto as Exhibits A through QQQQ are true and correct copies of the following documents submitted herewith in support of Wells Fargo's Motion for Summary Judgment:

- **Exhibit A** – Berger Deposition (“Depo.”) Transcript (“Trans.”) Excerpts¹
- **Exhibit B** – Cheski Depo. Trans. Excerpts
- **Exhibit C** – CMG Depo. Trans Excerpts
- **Exhibit D** – Feder Depo. Trans. Excerpts
- **Exhibit E** – Hancock Depo. Trans. Excerpts
- **Exhibit F** – Hoschander Depo. Trans. Excerpts
- **Exhibit G** – Lotus Life Depo. Trans. Excerpts
- **Exhibit H** – Mills Depo. Trans Excerpts
- **Exhibit I** – Mitchell Depo. Trans Excerpts
- **Exhibit J** – Segal Depo. Trans. Excerpts
- **Exhibit K** – Wells Fargo Depo. Trans Excerpts
- **Exhibit L** – Depo. Ex. 2, Signature Capital Authorization, Aug. 27, 2007
- **Exhibit M** – Depo. Ex. 4, Application for Life Insurance, Dec, 20, 2007
- **Exhibit N** – Depo. Ex. 6, Trust Agreement, Dec. 14, 2007
- **Exhibit O** – Depo. Ex. 7, Agent Report, Dec. 20, 2007
- **Exhibit P** – Depo. Ex. 8, Letter from Signature Capital to Hancock, Dec. 24, 2007
- **Exhibit Q** – Depo. Ex. 9, Life Insurance Policy, Jan. 22, 2008
- **Exhibit R** – Depo. Ex. 10, Check from Trust to Hancock, Feb. 15, 2008
- **Exhibit S** – Depo. Ex. 16, Warning Letter from Hancock to Solomon, Jan. 26, 2010
- **Exhibit T** – Depo. Ex. 18, Life Settlement Agreement, June 7, 2010

¹ The cited lines of testimony in Exhibits A-K are highlighted for the convenience of the Court.

- **Exhibit U** – Depo. Ex. 19, Letter from CMG to Solomon, Sept. 3, 2015
- **Exhibit V** – Depo. Ex. 20, Email from Cheski to Mr. Berger, Oct. 19, 2007
- **Exhibit W** – Depo. Ex. 22, Credit Agreement, Aug. 22, 2008
- **Exhibit X** – Depo. Ex. 23, Solomon Driver License and Social Security Card
- **Exhibit Y** – Depo. Ex. 26, Letter from CMG to Solomon and Mr. Hoschander, Apr. 19, 2012
- **Exhibit Z** – Depo. Ex. 29, List of Premium Payments
- **Exhibit AA** – Depo. Ex. 30, Letter from Cheski to Hancock, Aug. 29, 2016
- **Exhibit BB** – Depo. Ex. 33, E-mail re: Voicemail from Hancock to Cheski, Sept. 24, 2008
- **Exhibit CC** – Depo. Ex. 34, Email from William Segal to Cheski, Jan. 11, 2010
- **Exhibit DD** – Depo. Ex. 36, Email from ITM TwentyFirst to Cheski, Oct. 19, 2015
- **Exhibit EE** – Depo. Ex. 37, Emails between ITM TwentyFirst and Cheski, Oct. 19, 2015
- **Exhibit FF** – Depo. Ex. 40, Request for Taxpayer Identification Number and Certification, Feb. 10, 2008
- **Exhibit GG** – Depo. Ex. 41, Contract Receipt, Feb. 10, 2008
- **Exhibit HH** – Depo. Ex. 42, Policy Notice, May 15, 2008
- **Exhibit II** – Depo. Ex. 43, Note for Loan from H.M. Ruby, Aug. 22, 2008
- **Exhibit JJ** – Depo. Ex. 44, Agreement between H.M. Ruby and Mr. Hoschander, Aug. 27, 2008
- **Exhibit KK** – Depo. Ex. 46, Policy Termination Warning Notice, Jan. 15, 2010
- **Exhibit LL** – Depo. Ex. 47, Promissory Note, Mar. 3, 2010
- **Exhibit MM** – Depo. Ex. 49, Request Letter from Mr. Hoschander to Hancock, May 25, 2010

- **Exhibit NN** – Depo. Ex. 50, Email from Mr. Segal to Mr. Hoschander, June 2, 2010
- **Exhibit OO** – Depo. Ex. 51, Mr. Hoschander Driver License
- **Exhibit PP** – Depo. Ex. 52, Required Disclosures to Policy Owner, July 14, 2010
- **Exhibit QQ** – Depo. Ex. 53, Email from Lotus Life to Mills, July 29, 2010
- **Exhibit RR** – Depo. Ex. 54, Change of Ownership and Change of Beneficiary Forms, July 16, 2010
- **Exhibit SS** – Depo. Ex. 55, Mills Lotus Escrow Account Statement, Aug. 11, 2010
- **Exhibit TT** – Depo. Ex. 56, Unexecuted Life Insurance Settlement Application Form
- **Exhibit UU** – Depo. Ex. 58, Trust Bank Account Statement from March 9, 2010 to April 8, 2010
- **Exhibit VV** – Depo. Ex. 60, Email from Chumi Beigel to Hancock, Sept. 11, 2007
- **Exhibit WW** – Depo. Ex. 62, Tentative Policy Decision Letter from Hancock to Chumi Beigel, Oct. 22, 2007
- **Exhibit XX** – Depo. Ex. 64, Policy Details, Dec. 20, 2007
- **Exhibit YY** – Depo. Ex. 65, Infolink Inspection Report, Jan. 8, 2008
- **Exhibit ZZ** – Depo. Ex. 67, Letter from Hancock to Mr. Hoschander, Jan. 23, 2008
- **Exhibit AAA** – Depo. Ex. 68, Policy Update Letter from Hancock to Mr. Hoschander, May 8, 2008
- **Exhibit BBB** – Depo. Ex. 69, Policy Termination Warning Notice, Apr. 15, 2010
- **Exhibit CCC** – Depo. Ex. 70, Fax from Hancock to Mr. Hoschander, May 26, 2010


- **Exhibit DDD** – Depo. Ex. 74, Letter from Hancock to Wells Fargo, Aug. 15, 2016
- **Exhibit EEE** – Depo. Ex. 75, Death Benefit Claim Letter from Wells Fargo to Hancock, Aug. 31, 2016
- **Exhibit FFF** – Depo. Ex. 79, Email from Advanced Settlements to Lotus Life, May 25, 2010
- **Exhibit GGG** – Depo. Ex. 81, Trust W-9, June 1, 2010
- **Exhibit HHH** – Depo. Ex. 82, Life Insurance Settlement Application Form, June 1, 2010
- **Exhibit III** – Depo. Ex. 83, Authorization for Release of Insurance Policy Information, June 1, 2010
- **Exhibit JJJ** – Depo. Ex. 84, Authorization for Disclosure of Protected Health Information, June 1, 2010
- **Exhibit KKK** – Depo. Ex. 85, Irrevocable Durable Limited Power of Attorney for Health Information Form, June 1, 2010
- **Exhibit LLL** – Depo. Ex. 86, Trust Beneficiary Acknowledgement of Sale and Consent, June 1, 2010
- **Exhibit MMM** – Depo. Ex. 87, Agent's Certificate, June 2, 2010
- **Exhibit NNN** – Depo. Ex. 88, Email from Lotus Life to Wells Fargo, July 14, 2010, at HMRUBY_BAUM_00000302
- **Exhibit OOO** – Depo. Ex. 89, Email from Lotus Life to Mills, July 16, 2010
- **Exhibit PPP** – Depo. Ex. 105, Trust Bank Account Statement from August 9, 2008 to September 9, 2008
- **Exhibit QQQ** – Depo. Ex. 107, Check from Mills to Trust, Aug. 11, 2010
- **Exhibit RRR** – Depo. Ex. 117, Letter from Mills to US Bank, July 16, 2010
- **Exhibit SSS** – Depo. Ex. 118, Email from Lotus Life to Mills, Aug. 10, 2010
- **Exhibit TTT** – Depo. Ex. 119, Email from Lotus Life to Mills, Aug. 11, 2010

- **Exhibit UUU** – Depo. Ex. 120, Shipping Receipt for Check from Mills to Trust, Aug. 11, 2010
- **Exhibit VVV** – Depo. Ex. 133, Policy Paying Agent Agreement, Apr. 9, 2010
- **Exhibit WWW** – Depo. Ex. 135, Copies of Premium Checks, Various Dates
- **Exhibit XXX** – Depo. Ex. 139, Letter from CMG to Solomon, Sept. 3, 2015
- **Exhibit YYY** – Depo. Ex. 143, Amended and Restated Origination and Acquisition Agreement
- **Exhibit ZZZ** – Intentionally Left Blank
- **Exhibit AAAA** – Depo. Ex. 151, Email from CMG to Fortress, Mar. 22, 2012
- **Exhibit BBBB** – Depo. Ex. 153, Premiums Paid Maturity Report, Aug. 17, 2016
- **Exhibit CCCC** – Depo. Ex. 156, CMG Document Collection Checklist, Mar. 20, 2012
- **Exhibit DDDD** – Depo. Ex. 157, CMG Certification, Mar. 23, 2012
- **Exhibit EEEE** – JSB Enterprises Chase Business Signature Card, Aug. 3, 2007
- **Exhibit FFFF** – JSB Enterprises Bank Account Statement from February 1, 2008 to February 29, 2008
- **Exhibit GGGG** – Trust Bank Account Statement from May 9, 2008 to June 9, 2008
- **Exhibit HHHH** – Trust Bank Account Statement from July 10, 2008 to August 8, 2008
- **Exhibit IIII** – Trust Bank Account Statement from October 9, 2008 to November 10, 2008
- **Exhibit JJJJ** – Trust Bank Account Statement from December 9, 2008 to January 9, 2009
- **Exhibit KKKK** – Trust Bank Account Statement from February 9, 2010 to March 8, 2010
- **Exhibit LLLL** – Intentionally Left Blank

- **Exhibit MMMM** – Intentionally Left Blank
- **Exhibit NNNN** – Notification of Disposition of Specified Collateral at Public Auction
- **Exhibit OOOO** – Subpoena to Produce Documents, Information, or Objects or To Permit Inspection of Premises in a Civil Action, Nathan Berger, Sept. 11, 2017
- **Exhibit PPPP** – Subpoena to Produce Documents, Information, or Objects or To Permit Inspection of Premises in a Civil Action, Herman Segal, Sept. 11, 2017
- **Exhibit QQQQ** – Wells Fargo Bank N.A.’s Amended Responses and Objections to Cheski Baum’s First Set of Interrogatories

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 12th day of April, 2018.



Theodore J. Sawicki

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